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ATTORNEY DOCKET NO. 21011.0038U1  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Banner, et al. ) Group Art Unit: 3761  
Serial No. 09/608,200 ) Examiner: Unknown  
Filed: June 30, 2000 )  
For: VENTILATOR MONITOR SYSTEM AND )  
METHOD OF USING SAME )

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

October 16, 2000

Sir:

In response to the October 2, 2000 Notice to File Missing Parts of Non-provisional  
Application (Filing Date Granted), enclosed are:

1. an executed Declaration;
2. a check in the amount of \$65.00;
3. a copy of the Notice; and
4. a Request to Correct Filing Receipt.

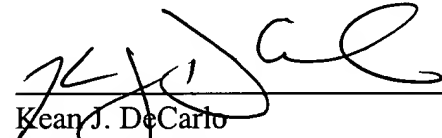


ATTORNEY DOCKET NO. 21011.0038U1  
SERIAL NO. 09/608,200

We believe the amount of the enclosed check to be correct; however, if it is in error, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

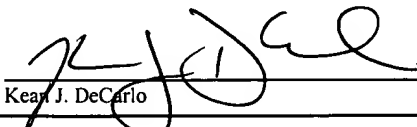
Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

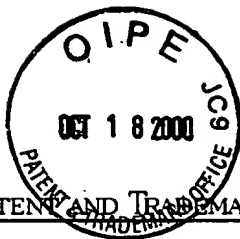
  
Kean J. DeCarlo  
Registration No. 39,954

Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
(404) 688-0770

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16<sup>th</sup> day of October, 2000.

  
Kean J. DeCarlo

16 OCT 2000  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/608,200	06/30/2000	Michael J. Banner	21011.0038U1

Needle & Rosenberg PC  
Suite 1200  
The Candler Building  
127 Peachtree Street NE  
Atlanta, GA 30303-1811

## FORMALITIES LETTER



\*OC00000005445200\*

Date Mailed: 10/02/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/20/2000 RNDNDAF1 00000034 09608200 65.00 DP  
01 FC:205



ATTORNEY DOCKET NO. 21011.0038U1  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )  
Banner, *et al.* ) Group Art Unit: 3761  
Serial No. 09/608,200 ) Examiner: Unassigned  
Filed: June 30, 2000 )  
For: "VENTILATOR MONITOR SYSTEM AND )  
METHOD OF USING SAME" )

**REQUEST TO CORRECT FILING RECEIPT**

OFFICE OF INITIAL PATENT  
EXAMINATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811

October 16, 2000

Dear Sir:

Please correct the Filing Receipt for the above application to include the continuing data for the application shown on the first page of the Declaration and Power of Attorney for the above-referenced Patent Application, namely a claim for priority to United States Provisional Patent Application 60/141,735, filed June 30, 1999.

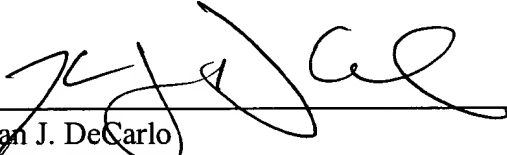
Thank you for your attention to this matter. No fees are believed to be due, however the

ATTORNEY DOCKET NO. 21011.0038U1  
Serial No. 09/608,200

Commissioner is hereby authorized to charge any deficiency or credit any overpayment to  
Deposit Account No. 14-0629.

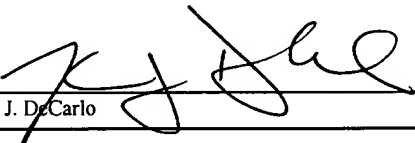
Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

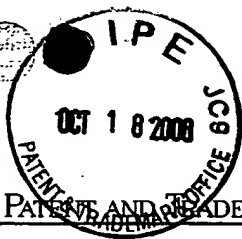
  
Kean J. DeCarlo  
Registration No. 39,954

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(404) 688-0770

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Kean J. DeCarlo

16 OCT 2000  
Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/608,200	06/30/2000	3761	546	21011.0038U1	9	38	4

Needle & Rosenberg PC  
Suite 1200  
The Candler Building  
127 Peachtree Street NE  
Atlanta, GA 30303-1811

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OCT 10 2000

NEEDLE &amp; ROSENBERG

## FILING RECEIPT



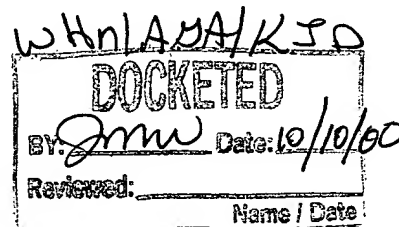
\*OC00000005445199\*

Date Mailed: 10/02/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michael J. Banner, Alachua, FL ;  
Paul Bradford Blanch, Alachua, FL ;  
Neil Russell Euliano II, Gainesville, FL ;  
Jose C. Principe, Gainesville, FL ;



## Continuing Data as Claimed by Applicant

U.S. Provisional Appl. 60/141,735 (FILED 6/30/1999)

## Foreign Applications

If Required, Foreign Filing License Granted 08/21/2000

\*\* SMALL ENTITY \*\*

## Title

Ventilator monitor system and method of using same

## Preliminary Class

128

Data entry by : TEFERRA, SABA

Team : OIPE

Date: 10/02/2000



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:



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Customer Service Center  
Washington, DC 20231